

Message Text

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C O N F I D E N T I A L OTTAWA 03714

E.O. 11652: GDS
TAGS: PINT, CA
SUBJECT: CONSTITUTION REFORMS TERMED "NIGHTMARE" BY
CONSTITUTIONAL EXPERT

1. SENATOR EUGENE FORSEY, AN ACKNOWLEDGED EXPERT ON CANAD-
IAN CONSTITUTION, HAS CALLED PRIME MINISTER TRUDEAU'S
PROPOSED PACKAGE OF CONSTITUTION CHANGES "A WIERD CONCOC-
TION" AND DECLARED HE WILL FIGHT SUCH CHANGES TO THE LIMIT.
INTERVIEWED ON CTV PROGRAM "QUESTION PERIOD" JULY 23,
FORSEY SAID SOME SECTIONS OF BILL SHOWED "AN ENORMOUS
AMOUNT OF VERY BAD DRAFTING. IT'S A NIGHTMARE FOR THE
ORDINARY CITIZEN AND A NIGHTMARE EVEN FOR THE LAWYERS."
THE PROPOSED HOUSE OF FEDERATION, HE CLAIMED, WOULD BE COM-
POSED OF "JUST ABOUT THE WORST PEOPLE THE PROVINCES CAN PUT
IN BECAUSE THEY WILL ALMOST CERTAINLY BE A COLLECTION OF
DEFEATED CANDIDATES."

2. SENATOR FORSEY, AN EARLY BOOSTER OF TRUDEAU TO BECOME
LEADER OF LIBERAL PARTY AND PRIME MINISTER, ADMITTED HE
WAS NOW "LESS ENTHUSIASTIC" THEN HE HAD BEEN ABOUT THE
PRIME MINISTER. HOWEVER, DURING TV PROGRAM HE RESTRICTED
HIS CRITICISM TO PM'S CONSTITUTIONAL PROPOSALS. "HE HAS
ASKED FOR CRITICISM, COMMENT, DISCUSSION, AND AS FAR AS
I'M CONCERNED HE'S GETTING IT."

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3. ACCORDING TO FORSEY, THE PROPOSED LEGISLATION WOULD
TRANSFORM QUEEN ELIZABETH, WHEN SHE IS IN CANADA, INTO
SORT OF A DEPUTY OF THE GOVERNOR-GENERAL. HE DOUBTED THAT
WAS INTENTION BUT THAT WAS WAY THE DRAFT READ. ALSO, THE
PROPOSALS WOULD TURN CANADA INTO A REPUBLIC. "I AM PER-
FECTLY CERTAIN THAT IF YOU TRY TO ABOLISH THE MONARCHY YOU
WILL HAVE A 100 PERCENT FIRST CLASS ROW IN LARGE PARTS OF

THIS COUNTRY ON YOUR HANDS." FORSEY SAID HE WOULD VOTE AGAINST THE PROPOSAL "ABSOLUTELY" BUT RECOGNIZED IT WOULD PROBABLY UNDERGO SUBSTANTIAL CHANGE BEFORE IT IS PUT TO A VOTE.

4. COMMENT: SENATOR FORSEY'S CREDENTIALS AS A CONSTITUTIONAL EXPERT ARE IMPECCABLE. AT SAME TIME, HE IS NOTORIOUSLY OUTSPOKEN WITH A TENDENCY FOR STRONG STATEMENTS WHICH ATTRACT HEADLINES. WHEN PQ WAS ELECTED IN QUEBEC, FOR EXAMPLE, HE RECITED TO MEDIA A LONG LIST OF REASONS WHY SEPARATION COULD BE ILLEGAL OR ENTIRELY IMPRACTICAL UNDER CANADIAN CONSTITUTION. IN THAT CASE, HIS LEGALISTIC OUTSPOKENNESS TENDED TO OBSCURE MORE IMPORTANT FACT THAT, IF MAJORITY OF QUEBECERS SUPPORTED SEPARATION, LEGALITIES COULD BE IRRELEVANT IN HOLDING CONFEDERATION TOGETHER. IN VIEW OF HIS REPUTATION, MANY MAY DISCOUNT THIS RECENT OUTBURST ON PROPOSED CONSTITUTION CHANGE. MOREOVER, TRUDEAU PROPOSALS WOULD ADD MANY SENATORS TO RANKS OF UNEMPLOYED, SUGGESTING POSSIBILITY (INVALID, IN EMBASSY VIEW) OF SPECIAL PLEADING BY FORSEY. IN ANY CASE, HOWEVER, FORSEY COMMENTS, COMING FROM A PROMINENT LIBERAL, CANNOT HELP BUT DO SOME HARM TO PRESENT FEDERAL PROPOSALS TO REVISE CONSTITUTION. ENDERS

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